

DECLARATION OF BRYAN TWITCHELL

Now comes Bryan Twitchell, Declarant herein, who deposes and says as follows:

1) My name is Bryan Twitchell, I am 29 years old and my residence is 2347 Parkwood, Toledo, OH 43620. I have lived in Toledo for 23 years and am a registered elector. My mother and father both live in Toledo. I have a baccalaureate degree in environmental science from Cleveland State University.

2) I became involved in the campaign to restore Lake Erie after observing the failure of our local and state political leadership and legislative bodies to create and enact a plan to bring Lake Erie back from the brink following the 2014 water crisis, when the city and its suburbs had no functioning water supply for three days.

3) I am a member of Toledoans for Safe Water, and joined the group about three years ago because I believe that collective action by citizens is the only way to make meaningful change in the current political system. During the petition drive in 2017-2018, I was personally responsible for collecting approximately 584 signatures of the 10,000+ gathered by the group by attending various events and soliciting in public places. I attend almost all meetings of TSW, two or three times a month. I have participated in TSW events ranging from the circulation of petitions since 2016 for the initiative vote that took place in Toledo in 2018, to demonstrations, public speeches and media events. The events are a way of standing up for genuine home rule and radical democracy in order to protect the Lake.

4) I've been active in past years for environmental causes as a volunteer with Partners for Clean Streams for about 20 years now, and currently am working as a Site Co-coordinator.

5) My bare bones explanation of the problems with Lake Erie water quality follows. When particulate matter and nutrients enter the various tributaries of the Lake Erie watershed, through runoff, dumping, or other means, it eventually ends up in the Lake. The most troublesome of these is phosphorus, since high levels of phosphorus, combined with the relatively warm water of Lake Erie, creates conditions that allow the algal blooms to occur. Then, as the algae dies off, the chemical processes involved in the decomposition use all of the oxygen in the area, creating what is known as a hypoxic zone, which has deleterious effects on the health of the lake, creating large swaths of the lake where most of the local flora and fauna cannot exist for months at a stretch.

6) Respecting causation of the contamination and poisoning of the Lake, a lot of effort has been put into explaining how this phenomenon occurs, but little in the way of why. We do know that the cities along the lake use it as an emergency overflow for their sewers during major rain events. We also know that confined animal feeding operations (CAFOs) store waste products in massive holding ponds and often fail to maintain these ponds in such a way as to prevent contamination of local waterways. Proving a causal link between these facts and the algal blooms is the next necessary task to successfully utilize the Lake Erie Bill of Rights ("LEBOR").

7) Local democracy figures into problem solving Lake Erie in light of the State Legislature's and Ohio EPA's failures and refusals to fulfill the duties charged them. Their

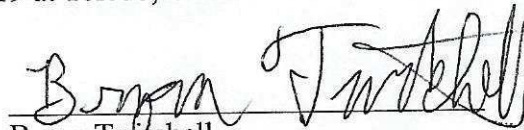
inaction is a betrayal of the trust placed in them by the people of Ohio, and as such, they can no longer be relied upon to effect the necessary changes to bring Erie back.

8) I do not feel the City of Toledo will do an adequate job of defending the Lake Erie Bill of Rights because it is in the City's crass best interest to simply roll over in the face of opposition to the LEBOR because it puts them at risk of being sued. That this goes against the will of the people, or nullifies a landmark and necessary piece of legislation to protect the Lake, is immaterial in their eyes.

9) If we lose Lake Erie as a source of drinking water, for recreation, industry, residential living and agriculture, it will cause long-term devastation to the Great Lakes region.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 11th day of March, 2019 at Toledo, Ohio.


Bryan Twitchell